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LOCAL TEETOTALER TAKES ISSUE WITH PREST. RISDON

David Lloyd, Author of "Which is Right," Scores County Temperance Federation for Their Opposition to Parole of Four First Offenders in This County.

David Lloyd, a teetotaler, and well known in this district for his work in behalf of the churches, takes issue with the County Temperance Federation and O. A. Risdon, President of that organization, for their opposition to the application for a parole for Tom Sirriani, J. C. Smith, Chas. Chesterfield, and Ambrose Spezia, convicted at the last term of the Superior Court for violation of the prohibition amendment.

Mr. Lloyd will be remembered for the active part he took in the last campaign in opposition to the prohibition amendment, basing his opposition on the drastic provision of the amendment as regards the use of wine for sacramental purposes and the shipment of alcohol into the state for medicinal purposes.

In answer to the letter written Attorney General Wiley E. Jones by O. A. Risdon, President of the Federation, Mr. Lloyd makes reply through the Copper Era as follows:

Editor of Copper Era:

I find that your last issue contained an item that interested me very much. The result is my answer to Mr. O. A. Risdon, President County Temperance Federation.

This is my first knowledge concerning such a Federation.

Who comprises the body?

I presume it is composed, with few exceptions, o the members from the different churches.

In the first place I'll take up the Attorney General's well written letter on behalf of the Clifton and Morenci "bootleggers," now serving their ninety days sentence, as a penalty for violating the prohibition law. Mr. Jones stated very fully the reason why the men should be paroled after serving thirty days of their sentence owing to discrimination in the penalties by the different judges in the state, and it would be a fair thing to adjust them to a more equitable basis. While I don't suppose Mr. Jones is a Christian or has even attended a church service for many a long year, his letter clearly shows that he is a Christian at heart, keeping in mind the Golden Rule: "Do unto others as you would have them do unto you." Mr. Jones gains nothing by this procedure but has the humane feeling that since it is the bootleggers first offense that they should be paroled and I quite coincide with his views as I have contended since the day of their sentence, that 30 days, with a severe warning for the second offense, would amply satisfy justice for violating the prohibition law.

Now my answer to President Risdon's letter, which for arrogance and self deceit, goes hand in hand with the German notes:

I have the Era before me, so will analyze President Risdon's letter as written. He states: "Prescott is generally known throughout the state to have a very lax sentiment as regards the enforcement of this law or perhaps any other."

Well, well ,what a fine condemnation for the people of Prescott to think about. Even made after Mr. Jones' statement that there have been twenty-two convictions with a ten days sentence, the minimum under the law. To my mind the Prescott people are doing their utmost to stamp out the bootleggers. They convict the guilty but it is up to the judge to give the sentence. Judge Smith of the Prescott court is known as a fearless judge and he certainly thought that the minimum sentence of ten days was quite sufficient for the first offense otherwise he would have made it stronger.

Why put in the ten days at all if it is not to be taken notice of? Why not have started the sentences from ninety days if bootlegging was going to be considered as a very serious offense even for the very first offense.

To my mind, ample justice is fully met in these cases with a thirty day's sentence but to be followed with a thunderous severe warning that the full limit of two years will be given for the second offense. But the County Federation wants the full ninety days to be worked out—like Shylock's pound of flesh. Where does the principles of Christianity come in with such an action? When President Risdon and his co-workers met to consider Mr. Jones' letter the first thing they should have done was to pray for Divine guidance in their deliberations and consider what Jesus Christ would do under the same circumstances, but it seems from Mr. Risdon's letter that as soon as he mentioned about the "bootleggers" release, before the expiration of their sentence, they jumped all over him for even suggesting the matter and these perhaps, church members at that. I hardly think that Mr. Risdon was hurt very much physically, as I saw him a few days ago looking fine as silk so the jumping on him was all imaginary. More in this strain: "What?" Release those bootleggers. Nothing doing! Let them stay where they are. We have a good chance now to show that the Temperance Federation is the cream of the citizens of Greenlee county."

Is that so?

How did the Federation come to be formed?

I heard of no mass meeting of the "drys" to form such a Federation. Perhaps a few of the ultra-fanatical prohibitionists met in the prejudicial sanctum on the 'Frisco embankment and there and then formed the County Temperance Federation, but it will be news to the great majority of "drys" even in Clifton that such an energetic though un-Christian Federation was in existence and to my mind the sooner the better it disbands and returns its charter to its masters—arrogance and self-conceit—and return to the Christian fold of good common sense.

In regards to the petition sent in behalf of the bootleggers, while I did not sign it, because I happened to be in Morenci when they looked me up, I am thoroughly in favor of the parole as above stated.

I have no sympathy for the bootleggers and they deserve none from anyone. They are not children. They fully knew that they were defying the law but took a chance and got caught in its meshes, but I contend that ample justice is met with a thirty days sentence and before the parole board will act on the case they will be in jail for about six weeks,quite sufficient for the first offense, but for the second offense I say go to the limit of two years.

Mr. Risdon says let them join the "producers." Is he a producer in the sense of the word? I don't suppose he is, neither am I, but I believe a thousand dollar check (or more) from The Mutual Life to the bereaved widow will do more good to pay for the necessaries of life than the photograph of her deceased husband will do.

As I have already been accused several times of receiving money from the saloon keepers because I had the nerve (a Welshman has plenty of that) to fight Arizona's drastic and bigoted prohibition amendment last election I am pretty sure there will be more accusations of money received because of this letter. Trot out your complaint and we will have some fun at the next term of court.

I am as strong a tempernace man as any one of the bunch in the Federation but I also try to carry it further than they do and be lenient with those that the Attorney General thinks should be paroled because of their first offense. Nothing is gained by opposing such leniency and keep on being vindictive, and I feel confident that the bootleggers would appreciate it and would take good care not to appear in court again.

I sincerely hope and trust that the Parole Board will parole the bootleggers and ignore the Federation's arrogant and self-conceited letter, as it certainly does not represent the views of the better class of humane citizens of Greenlee county.

Yours most sincerely,

DAVID LLOYD.

CHAMPION EVENT ON AUGUST 14TH

Al Wasem Will Meet Holder of Ploice Gazette Championship Belt at Princess Theatre

The biggest wrestling event ever staged in the southwest will take place at the Princess Theatre on Saturday night, August 14th, when two claimants of the light weight wrestling championship will grapple each other on the mat.

Telegrams have been passing between G. A. Franz, manager of Al Wasem, and George Bothner, the Police Gazette champion, for several days, and as a result of the negotiations Bothner has agreed to come to Clifton on the 14th and defend his laurels. The match will be at catch weights and Bothner agrees to throw Wasem twice within one hour. In the event that the Police Gazette man brings a bank roll with him he can rest assured to have plenty of takers. When Bothner recently appeared in Albuquerque the newspapers stated that he weighed 131 pounds but it is believed that he weighs nearer 140. Bothner is now in California but will leave there in a few days for Clifton.

"Foxy" Miller, who wrestled Wasem at Safford on July 24th is here and is training Wasem for his bout with Bothner. Mr. Miller will be joined here by his wife this week and states that he may decide to locate in the district permanently.

On Monday night Wasem and Miller gave a thirty minute exhibition of the different styles of wrestling at the Princess Theatre which was thoroughly enjoyed by a large audience.

Advance ticket sales for the big championship contest will be placed on sale next week. Big crowds are expected from the surrounding towns for this event.

Wedding Postponed—

The wedding of Chas. H. Foote, of Clifton, and Miss Sophie Robbins, of Phoenix, which was announced for July 27th at Phoenix, was postponed until a future date on account of the illness of the bride. All preparations for the event had been made, the license secured, and the Robbins home decorated for the occasion, when it was deemed best to postpone the event. The day before the wedding Miss Robbins was stricken with nervous prostration and was taken on the following day by her parents to Southern California where she is at present recuperating. Mr. Foote returned to Clifton the latter part of the week.

POSTPONEMENT OF HANGINGS EXPLAINED

A special correspondent of the Phoenix Republican sent to Florence ahead of the scheduled hangings of the four Mexicans who were to be executed last Friday throws some light on the inside reasons as to how and why the postponement took place. The article was sent out July 29, and in part is as follows:

Florence, July 29.—At the end of a day and a part of a night of blundering there was accomplished what everybody knew would be accomplished, the postponement of the execution of the four murderers, Rodriguez, Chavez, Peralta and Perez, the date of whose reprieves would have expired yesterday. There had been ostensible preparation for their execution but they knew and every one in authority knew that they would not be hanged then.

If they had had to depend upon favorable action by the board of pardons and paroles on the request of Secretary of State Lansing for a further reprieve for them, tonight would be their last on earth for it was evident that the board intended to make no recommendation

There was nothing left but the habeas corpus proceedings but they were ample. Application had been made in the absence of Superior Judge Baughn for writs of habeas corpus on two grounds; first, that the warrants were defective in that the title "The State of Arizona" had been ommited, and on the further ground that the men had been twice in jeopardy, the last time, when they were granted reprieves without their solicitation. If Judge Baughn had been here, it is believed that no such application would have been filed. But in his absence, Governor Hunt had designated Judge J. A. McAllister of Graham county to take jurisdiction.

The Program Disarranged.

The judge appeared nervous and disturbed. The audience in the court room consisted chiefly of officials and guards of the state prison. Messrs. Struckmeyer and Jencks appeared for the petitioners, and Assistant Attorney General George Harben for the state. Mr. Harben was assisted by County Attorney H. G. Richardson of Pinal. The arguments disclosed so little ground for the issuance of the writs that the court denied them whereupon it appeared that a vital mistake had been made. That order if permitted to stand would leave the matter at and end. From such an order there could be no appeal carrying with it a stay of execution.

This was a serious matter; the situation was one that must be remedied somehow , but how , was not clear. Messrs. Harben and Richardson dwelt upon the finality of the proceedings and insisted that nothing more could be done.

But it was later developed by the attorneys for the petitioners, that there was a way. A recess was taken until seven o'clock tonight when a motion was made by the attorneys for the petitioners to vacate the order of the afternoon, denying the writ.

This motion became the subject of a heated argument but at length it was granted by the court and it was followed by another motion to discharge the condemned from the custoday of the warden. This motion was based on the same grounds that had supported the application for the writ. The motion, of course, was denied, and the petitioners were remanded to the custody of the warden. But the purpose of the friends of the murderers had been served as effectually as if the motion had been granted. The order was one from which an appeal could be taken and notice of it was given. The bond of the murderers was fixed at $100 each. Assistant Attorney General Harben said tonight that his disgust had overcome his interest in the matter. At a late hour tonight the appeal had not been perfected and unless it should be at ten o'clock tomorrow morning, the assistant attorney general will advise Warden Simms to proceed with the execution. But the appeal will be perfected. There will be no execution on July 30. There was never a possibility that there would be after Judge Baughn started on his vacation.

"Hanging Day" Again.

Here in Florence they referred to the occasion with what might be taken by the visitor as a somewhat facetious view. While the learned lawyers and jurists passed en route to the court to tell each other that the law had made some terrible mistakes, that the judges who had passed on the cases of the men had overlooked the real law points, a native standing on the sidewalk called to his friend, "Hi Bill,it is hanging day again, ain't it?"

That Florence was either too busy or too indifferent to take any interest in the court cases of the men was evidenced by the fact that the court room held less than a dozen men save the lawyers who were telling a patient judge how their colleagues made such glaring mistakes, and what the remedy from his viewpoint might be.

Florence on a "Hanging Day" differs little from Florence on any other day. In fact it's dollars to doughnuts that a good dog fight could stir up more interest than is manifest on the streets of the metropolis of Pinal today. But then you can get used to any thing.

ARIZONA MAY YET HAVE EXECUTIONS

Phoenix, Ariz., Aug. 2.—In spite of the fact that the opponents of capital punishment won an apparent victory last Thursday, the noose is tightning about the necks of the five Mexicans murderers who were condemned to die Friday. Their present security is not likely to last till the return of the supreme court justices next fall,as has been supposed.

The present plan is to take the murderers back to the superior courts of Pinal, Maricopa and Yavapai counties, in which they were originally convicvted, and have them resentenced. Assistant Attorney general George W. Harben, who represented the state at Florence, says that this can be done.

Harben contends that the entire procedure at Florence was irregular. He believes that he can convince the superior judges that the appeal filed in behalf of the slayers are invalid and illegal.

If Harben can convince the judges that the appeals to the supreme court have no legal standing, Ramon Villalobos, Francisco Rodriguez, Eduardo Peres, N. B. Chavez and Miguel Peralta must hang. Par. 1147, title 10, of the civil code reads as follows:

Law Says "No Appeal "

"If for any reason, other than the pendency of an appeal, a judgement of death has not been executed, and it remains in force, the court in which the conviction is had, on the application of the county attorney of the county in which the conviction is had, must order the defendant to bebrought before it, or if he is at large, a warrant for his apprehension must be issued. Upon the defendant being brought before the court, it must inquire into facts, and if no legal reasno exists against the execution of the judgement, must make an order that the superintendent of the state prison to whom the sherrif is directed to deliver the defendent, execute the judgement at a specified time. The superintendent must execute the judgement accordingly. From an order directing and fixing the time for the execution of a judgement, as herein provided, there is no appeal."

"In the superior courts the question will be, are the appeals in these cases valid?" explained Harben. "In other words, are there any appeals at all?" We contend that they are not.

"An appeal was filed on behalf of Ramon Villaloba five months after the time allowed him by law to appeal had expired. The attorney general notified Warden Sims that no appeal was pending in the Villaloba case but he stated that he would regard it as pending till the supreme justices returned and dismissed it.

"Then applications for writs of habeus corpus were filed on behalf of Chavaz, Rodriguez, Perez and Peralta. They were filed in the Pinal court. Judge Baughn was absent and Gov. Hunt directed Judge McAlister of Graham county, to substitute.

"The law provides that in cases of this nature the regulary elected judge of a county may, if he so desires, request the judge of another county to sit in his place. If the judge so requested declines, the governor may direct him so to sit.

Substitute Judge Illegally Appointed.

"Judge Baughn in this case never asked McAlister to substitute for him and Judge Baughn never figured in the proceedings at all. He was out of the state and the governor appointed McAlister. That appointment was palpably illegal. At the beginning of the hearing last Thursday I protested that Judge McAlister had no jurisdiction and moved that the applications be dismissed. I was overruled.

Rodriguez was convicted in Maricopa county, Perez, Chavez and Peralta in Yavapai. I think that we can convince Judge Stanford and Judge Frank Smith that Judge McAlister had no jurisdiction. Also we can convince them that the actions in behalf of those four defendants were really civil in their nature, not criminal. Civil procedure was followed throughout. Therefore the superior courts should take no cognizance of those actions.

Five Months Too Late.

"Villaloba's appeal was filed five months too late for it to do him any good. It should also be easy to get him resentenced in the Pinal court."

Friday morning Harben notified Warden Sims that the appeals were invalid and advised him to execute the defendants. Sims refused.

A Much Needed Improvement—

The ladies of the Baptist church have heroically undertaken the improvement of their church edifice. The roof has recently received a new coat of paint, and the painters have this week been painting the interior of the auditorium, giving the ceiling a white and the walls a light cream. The furniture and casings are to have a new coat of mahogany. This change adds much to the lighting and also to the cheerfulness and beauty of the sanctuary. The exterior walls are also destined to have a new coat of paint in the near future. The late muddy weather is a timely reminder of the need of cement walks in front of the church and pastorium. That too shall have attention in due time. This litlte band of faithful women deserve much credit and should have the hearty co-operation of all good citizens of the entire city, because the improvement of the churches adds materially to the improvement and beauty of the whole community.

SENTIMENT AROUSED FOR BUILDING OF NATIONAL HIGHWAY

Another Public Meeting to Be Held at Clifton Hotel Saturday Night To Adopt Definite Plan of Action and Secure Co-Operation of Board of Supervisors.

Provided that the recommendations of the Secretary of Agriculture, for advance appropriations by congress for the construction of roads in the National Forests, are adopted at the next session of congress, the business men of the Clifton-Morenci district, with the co-operation of the Board of Supervisors, will ask that a highway be constructed from Clifton into the Apache National Forest.

Since it became known that the Department of Agriculture favored such a plan a keen interest in the project has been created in this district, everyone realizing the importance of the proposed highway, affording as it will a market for the products of this rich section at present isolated on account of a lack of transportation.

The initial movement on the part of Clifton ,looking to having a portion of the congressional appropriatin allotted to the Apache National Forest, was taken at a meetnig of the lClifton Chamber of Commerce held at the Clifton Hotel on Monday evening of this week. Dr. L. A. W. Burtch presided and W. S. Bradfield cashier of the Gila Valley Bank & Trust Company, was elected secretary, pro tem., and G. A. Franz, permanent secretary. Several vigorous speeches were made by members present dwelling upon the importance of a highway to the northern portion of this county and the necessity for concerted and prompt action on the part of Greenlee county in conjunction with the forestry department.

At the conclusion of the meeting Dr. Burtch appointed a committee of twelve to arrange for another public meeting to be held Saturday evening at 8 o'clock at the Clifton Hotel at which time a definite plan of action will be adopted and a committee appointed to confer with the Board of Supervisors on Monday morning, August 9th.

Information received this week from the states traversed by the Southern National Highway states that the representatives in counties from those states may be depended upon to support the recommendations of the Secretary of Agriculture in this matter and the support of our own representatives in congress is already assured. The appropriation to be asked for from Congress will be in the nature of a loan to the Forestry Department, the amount expended in the immediate construction of forest roads to be paid back to the government from the proceeds of the sale of the products of the forest which would find a ready market as soon as easy means of transportation is provided. The appropriation would be a lasting investment on the part of the government, and at the same time prove a boon to the Clifton-Morenci district.

With a first-class highway leading into the Apache National Forest Clifton would offer to the automobile tourist a scenic route unsurpassed anywhere in the southwest and would annually attract hundreds of tourists to this section.

If you are willing to aid in this important movement lend your assistance by attending the public meeting at the Clifton Hotel Saturday night. Put on your best optimistic suit of clothes and lend a helping hand.

Back from Flagstaff—

Assessor James H. Kerby, Clerk of the Board A. L. Terry and Chairman W. T. Witt, returned Sunday afternon from Flagstaff where they had been to attend the conference with the State Tax Commission. All report a pleasant and entertaining session and at the conclusion of the business of the conference on Thursday the visitors were the guests of the Coconino county Board of Supervisors on a sight seeing trip to the Grand Canyon.

CALLAGHAN 26; HUNT 16.

PHOENIX, Aug. 5.—An analysis of the opinion rendered by Judge Stanford in the matter of the appropriation bill muddle, shows that Callaghan, the State auditor,was sustained in twenty-Thirdly, it was held that the Governor Hunt was upheld in sixteen items.

The court, in conclusion of law, held that the Governor could not veto a part of an appropriation item, which he attempted to do in twenty-six instances. Secondly, that he could veto an item in its entirety, of which there were 11 including the reduced school fund appropriation and the expense of state tax commission, leaving the old statute hold. Thirdly, it was held that the Gvoernor could veto any item where there was no money appropriated of which there were five such.

Whether an appeal will be taken, is yet undecided although a motion has been made to set the order of the court aside.

COURT THROWS LIGHT ON HUNT'S EFFORTS

Attorney General Bullard Says It Is First Case on Record of a Governor Using Veto to Add to Costs.

SOME OF THE HIGH SPOTS.

"This is the first occasion on record in the United States of a governor attempting to use the veto power to increase an appropriation measure."

"Continuing appropriations are not favored by the law. They are one of the most insidious vehicles of fraud and are absolutely forbidden by the constitution of ten states."

"The veto power is given to act as a check on the legislature, not to enable the making of a technical raid on the state treasury."

"The veto power is in its nature, destructive—never creative, its purpose is to cut down appropriations, never to raise them."

"If this bill and veto be upheld there are enough double appropriations to add $800,000 to the tax burden of the people of the state."

"Gov. Hunt in his message, distinctly expresses his desire to increase certain appropriations."

The Court: "Does an appropriation of necessity mean an expenditure?"

Counsel: "Not NECESSITY, your honor, but there is no recorded instance in the history of these United States when it did not."

(From the address of Geo. Bullard.)

PHOENIX, Aug. 3.—The legal battle over the state appropriation bill and its partial veto by Gov. Hunt, was begun in the Superior court of Maricopa county before Judge Stanford.

Former Attorney General George Purdy Bullard and Attorney William E. Ryan appeared for State Auditor Callaghan, and George N. Stoneman represented the nominal plaintiff, Jesse E. Boyce.

The case was brought to compel the state auditor to issue vouchers for certain items of state expenditures and the argument was technically on a demurrer to the application for the writ.

The case excited no general attention and there was no one in the court room but the attorneys and half a dozen people interested in the outcome when the arguments were begun.

In his opening argument Attorney Bullard recited the passage of the appropriation bill and its attempted veto by the governor. He separated the grounds of attack on the bill into two distinct phases. The first goes to the question of whether the governor may repeal parts of items in the bill or whether he must accept or repeal an item in its entirety. The second is as to the effect of continuing appropriations which the attorney condemned as wrong and vicious.

He cited cases to show that the governor must accept or reject the bill item by item and that he cannot separate an "item" into its component parts and thus make of himself a power superior to the legislature. He claimed that the general rule of law is that the court will construe the exercise of power in favor of the legislature and against the veto. He said that, under the territorial constitution it had been held that the governor must accept or reject a bill as a whole Under the present constitution he may veto some "items" and approve others, but the attorney claimed that this must be construed with regard to the iems as a whole.

He added that there were no personalities involved nor any politics. He admitted that the governor may have meant well enough, but claimed that he had exceeded his power.

Attorney Ryan took a ground somewhat different from his associate, claiming that the attempt to veto resulted in the whole bill becoming null and void and of no effect whatsoever. His argument concluded: "We urge therefore, that the appropriation bill never did become law either in whole or in part, and that plaintiff must resort to those prior laws which may contain proper language creating any appropriations for any relief in this case."

Attorney Stoneman made a brilliant argument on the opposite side. He reviewed a mass of authorities and claimed that the governor had acted entirely within his rights and that the veto as announced, was sufficient and effective. He claimed that a decision in favor of the motion of demurrer would result "that the constitutional limitations and provisions may be disregarded and laws which should properly stand alone as one act, containing only one subject of legislation, and which could never, under other conditions, receive the approval of the governor, may be carried into effect by the simple expedient of placing them in a general appropriation bill and saying, as been done in this case, that because they had found place in an appropriation bill and did not constitute an item of money appropriation, the governor has no right to veto."

He claimed that if the veto is declared ineffective the plaintiff is still entitled to his remedy as the prior appropriations would still stand.

The court took the matter under advisement.